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15th JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE

STATE OF LOUISIANA

No. 2007-5870

Division K

ANGELLE PROPERTIES, LLC

V.

D&D PIPE AND RENTALS, INC.

JOINT MOTION TO AMEND RELIEF SOUGHT BY
TEMPORARY RESTRAINING ORDER
AND JOINT MOTION TO HOLD ACCOUNTS IN ESCROW

HEREINTO COURT, through undersigned counsel, comes Petitioner ANGELLE PROPERTIES, LLC and Defendant D&D PIPE AND RENTALS, Inc. ("D&D") who pray to this Court for an order executing the following pursuant to an agreement jointly negotiated and agreed to by the Parties subsequent to the Court's telephone conference held on November 5th, 2007:

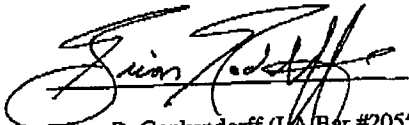
- A. That D&D as well as its representatives, officers, agents, employees, counsel, and those persons in active concert or participation with them, and each of them, be ordered to deposit the sum not to exceed the first \$400,000 of proceeds received by D&D from Myron Bowling Auctioneers into the escrow account of its attorney, Provosty & Gankendorff, L.L.C. ("Escrow Agent") from the auction of inventory of D&D Pipe to be conducted on November 8, 2007 (the "Escrow Proceeds").
- B. That the Escrow Proceeds shall be held by the Escrow Agent in an escrow account until all or any portion of the Escrow Proceeds are disbursed by written agreement between the parties or until otherwise further ordered by the Court.
- C. That the Escrow Agent is acting as a stakeholder only at the request of the parties and shall not incur any liability whatsoever, except for its willful misconduct or bad faith.
- D. That Angelle Properties, LLC and D&D agree that there remains a controversy between them and they jointly seek a contradictory hearing on the merits to determine the disposition of the Escrow Proceeds and whether there are any outstanding obligations

EXHIBIT "3B"

owed between the parties in relation to the March 3, 2006 Lease Agreement between them.

THEREFORE, the Parties jointly request an order from this Court for the preceding relief in lieu of that sought by Angelle Properties LLC's earlier "verified petition for injunctive relief and issuance of temporary restraining order and damages for breach of lease agreement and incorporated memorandum in support."


On behalf of D&D Pipe and Rentals, Inc.:


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On behalf of Angelle Properties, LLC


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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served upon all counsel of record by ☐ hand delivery, ☒ facsimile transmission, ☐ overnight Courier, or by ☐ depositing same in the United States mail, ☐ certified mail / ☐ not certified, postage prepaid, and properly addressed to them at their respective offices, this 7th day of March, 2007.



15th JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE

STATE OF LOUISIANA

No. _____

Division _____

ANGELLE PROPERTIES, LLC

V.

D&D PIPE AND RENTALS, INC.

ORDER

Considering the foregoing "Joint Motion to Amend Relief Sought by Temporary Restraining Order and Joint Motion to Hold Accounts in Escrow."

IT IS HEREBY ORDERED AND DECREED:

- A. That D&D as well as its representatives, officers, agents, employees, counsel, and those persons in active concert or participation with them, and each of them, are hereby ordered, under penalty of law, to deposit the sum not to exceed the first \$400,000 of proceeds received by D&D from Myron Bowling Auctioneers from the auction of inventory of D&D to be conducted on November 8, 2007 into the escrow account of its attorney, Provosty & Gankendorff, L.L.C. ("Escrow Agent").
- B. That the Escrow Proceeds shall be held by the Escrow Agent in an escrow account until all or any portion of the Escrow Proceeds are disbursed by written agreement between the parties or until otherwise further ordered by the Court.
- C. That the Escrow Agent is acting as a stakeholder only at the request of the parties and shall not incur any liability whatsoever, except for its willful misconduct or bad faith.
- D. That Angelle Properties, LLC and D&D Pipe and Rentals, Inc. show cause at a contradictory hearing at _____ o'clock __.m. on the _____ day of the month of _____, 2007 as to the manner in which the Escrow Proceeds should be disposed among the Parties.

SIGNED, LAFAYETTE, LOUISIANA THIS _____ DAY OF NOVEMBER, 2007

HONORABLE JUDGE MICHOT
15TH JUDICIAL DISTRICT COURT JUDGE